

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Huey L. Gowdy,

Plaintiff(s)

vs.

Harry K. Russell, Warden

Defendant(s)

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Case Number: 1:01-cv-00235

Senior District Judge S. Arthur Spiegel

JUDGMENT IN A CIVIL CASE

Decision by Court: This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

. . . Accordingly, the Magistrate Judge's Report and Recommendation (doc. 8) is hereby ADOPTED IN ITS ENTIRETY. Gowdy's Petition for Writ of Habeas Corpus (doc. 1) is DISMISSED WITH PREJUDICE. The Court DECLINES to issue a certificate of appealability pursuant to 28 U.S.C. § 2253(c). The Court hereby CERTIFIES pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order may not be taken in good faith. Leave to proceed in forma pauperis on appeal of this Order is therefore DENIED.

3/30/05

James Bonini, Clerk

s/Kevin Moser

Kevin Moser

Deputy Clerk